IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA)	
	Plaintiff,) 8:05CR145)	
	vs.) DETENTION ORDER	
HERBI	ERTO ANGUIANO-ARRONA,	,))	
	Defendant.	j	
Afton		detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act 5, the Court orders the above-named defendant detained pursuant to 18	
	will reasonably assure the appearance of the defendant as required.		
The Se X	rvices Report, and includes the following: (1) Nature and circumstances of the X (a) The crime: a conspiracy methamphetamine (Count minimum sentence of tending imprisonment. (b) The offense is a crime of X (c) The offense involves a nation (d) The offense involves a larged (d) The offense involves a larged (a) The weight of the evidence again (a) General Factors: The defendant apperaffect whether the description (a) The defendant has X and County The defendant has X and County The defendant has A and County The Defenda	to distribute in excess of 500 grams of I) in violation of 21 U.S.C. § 846 carries a years imprisonment and a maximum of life violence - see 18 U.S.C. § 3156(a)(4)(B). recotic drug. ge amount of controlled substances, to wit: Ist the defendant is high. If the defendant including: ars to have a mental condition which may be seen an example of the area. The second	

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(c	 Probation Parole Release pending trial, sentence, appeal or completion of sentence. Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. X The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
	nature and seriousness of the danger posed by the defendant's release as follows: The nature of the charges in the Indictment.
ln de	uttable Presumptions etermining that the defendant should be detained, the Court also relied on following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
whic	the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:
<u>X</u> (b	(1) A crime of violence; or(2) An offense for which the maximum penalty is life imprisonment or death; or(3) A controlled substance violation which has a maximum penalty of 10 years or more; or(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:(1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if

D. Additional Directives

device).

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

committed by the use of a deadly or dangerous weapon or

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 28, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge